

Institution:	Inter-American Commission on Human Rights
File Number(s):	Report No. 110/06; Petition 12.555
Session:	Hundred Twenty-Sixth Regular Session (16 – 27 October 2006)
Title/Style of Cause:	Sebastian Echaniz Alcorta and Juan Victor Galarza Mendiola v. Venezuela
Doc. Type:	Decision
Decided by:	President: Evelio Fernandez Arevalos; First Vice-President: Paulo Sergio Pinheiro; Second Vice-President: Florentin Melendez; Commissioners: Paolo G. Carozza, Victor E. Abramovich. Commissioner Freddy Gutierrez, a Venezuelan national, did not participate in the proceedings or the voting on this report, pursuant to Article 17.2.a of the Commission's Rules of Procedure.
Dated:	21 October 2006
Citation:	Echaniz Alcorta v. Venezuela, Petition 12.555, Inter-Am. C.H.R., Report No. 110/06, OEA/Ser.L/V/II.127, doc. 4 rev. 1 (2006)
Represented by:	APPLICANTS: Josefa Agudo Manzisor, Marino Alvarado and Jose Ramon Ortuondo
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## 1. SUMMARY

1. On November 26, 2002 the Inter-American Commission on Human Rights (hereinafter referred to as “the Commission” or the “IACHR”) received a petition filed by Josefa Agudo Manzisor, Marino Alvarado, and José Ramón Ortuondo (hereinafter referred to as “the petitioners”) against the Venezuelan State (hereinafter referred to as “the State” or “the Venezuelan State”) relating to the allegedly unlawful deportation of their client, Juan Víctor Galarza Mendiola (hereinafter referred to as “the alleged victim” or “Mr. Galarza”), Basque in origin and of Spanish nationality, deported from the Bolivarian Republic of Venezuela to Spain on June 2, 2002. On June 9, 2003, the Commission received a petition filed by the same petitioners against the Venezuelan State in connection with the alleged unlawful deportation of Mr. Galarza, this time in relation to the allegedly unlawful deportation of their client Sebastián Echaniz Alcorta (hereinafter referred to as “the alleged victim” or “Mr. Echaniz”), Basque in origin and of Spanish nationality, deported from Venezuela to Spain on December 16, 2002, in which allegations were made relating to the liability of the Venezuelan State. On March 17, 2004, the Commission informed the parties concerned of its decision to combine both petitions in accordance with the provisions of Article 40.2 of its Rules of Procedure and to pursue the processing of both petitions under case file No. P562/03.

2. The petitioners maintain that the deportations of Mr. Galarza Mendiola and Mr. Echaniz Alcorta were made without due guarantees, and thereby constitute violations of the various

provisions of the American Convention on Human Rights (hereinafter referred to as “the American Convention”): Right to Humane Treatment (Article 5), Right to Personal Liberty (Article 7), Right to a Fair Trial (Article 8), Freedom of Movement and Residence (Article 22.6 and 22.8), Right to Equal Protection (Article 24), and Right to Judicial Protection (Article 25), in conjunction with the general obligation to respect and guarantee rights referred to in Article 1.1 of the Convention. The complaint was later expanded by the petitioners to include allegations of actions that violated the protection of the rights of the family governed by Article 17 of the American Convention.

3. On March 15, 2006, during its 124th regular session, the Commission approved the report on admissibility No. 37/06 and indicated that the petition had been recorded under case No. 12.555. In a communication dated March 23, 2004, the Commission sent the aforementioned report to the parties concerned and, based on the provisions of Article 38.2 of its Rules of Procedure, it was made available to the parties concerned with a view to reaching a friendly settlement in accordance with Article 48.1.f of the American Convention.

4. On June 21, 2006, the parties signed a permanent agreement for a friendly settlement in accordance with Articles 48.1.f and 49 of the American Convention on Human Rights.

5. Pursuant to Article 49 of the Convention and Article 41.5 of the Commission's Rules of Procedure, this report relating to a friendly settlement presents a brief statement of the facts alleged by the petitioners and of the friendly settlement reached and orders its publication.

## II. PROCEEDINGS BEFORE THE COMMISSION

6. On November 26, 2002, the Commission received a petition against the Venezuelan State on behalf of Juan Víctor Galarza Mendiola, Basque in origin and of Spanish nationality. This petition was recorded under number P-4601/02. On June 9, 2003, the Commission received a second petition against the Venezuelan State, on behalf of Sebastián Echaniz, Basque in origin and of Spanish nationality. This petition was recorded under number P562/02.

7. On March 17, 2004, the IACHR transmitted the relevant portions of this petition to the Venezuelan State in accordance with Article 30.2 of the IACHR Rules of Procedure and gave it two months to present observations. On the same date, the Commission informed the parties of its decision to combine both petitions in accordance with the provisions of Article 40.2 of its Rules of Procedure and move forward with the processing of both petitions under procedural file No. P562/03.

8. On May 20, 2004, the IACHR received from the State a report in response to the petition. The State's comments were forwarded to the petitioners on May 21, 2004. The petitioners presented their comments on the reply from the State on June 8, 2004, and these were forwarded to the State on July 2, 2004. The State was given one month to file any comments deemed appropriate.

9. On June 16, 2005, the IACHR received additional information from the petitioners and this was sent to the State on June 20, 2005, which was allowed one month to submit any comments it might like to make.

10. On August 25, 2005, the Commission received additional feedback from the State, and forwarded this to the petitioner on September 8, 2005. On September 28, the Commission received a reply from the petitioners to the State's observations, and these were forwarded to the State on September 30, 2005 so that the State's observations could be presented. On November 2, the State requested an extension from the IACHR and this was granted for an additional 30 days. On November 4, 2005, the IACHR received additional information from the petitioners and sent this to the State on November 16, 2005. At the time of this report, the IACHR has received no new commentaries from the State.

11. On March 15, 2006, in the context of the Commission's 124th regular session, the Admissibility Report No. 37/06 recording Petition 563/03 under case number 12555 was approved. In a letter dated March 23, 2004, the Commission sent the aforementioned report to the parties concerned and, pursuant to Article 38.2 of its Rules of Procedure, offered its services to the parties concerned with the aim of reaching a friendly settlement on the matter in accordance with Article 48.1.f of the American Convention.

12. On May 4, 2006, the State sent a letter informing the Commission that at a meeting between the parties, held on May 4, 2006, a motion was passed establishing recognition of the Venezuelan State's responsibility for violations of human rights in the Galarza Mendiola and Echaniz Acosta cases while also laying the groundwork in the quest for a friendly settlement.

13. On June 30, 2006, the Commission received a letter from the State informing it of the agreement to reach a friendly settlement signed by both parties and the express request of the parties calling upon the Commission, pursuant to Article 49 of the American Convention, to draw up a friendly settlement report. On July 5, 2006, the Commission forwarded this letter to the petitioners, asking for their observations.

14. In a letter dated July 12, 2006, the petitioners confirmed that they and the State had entered into a friendly settlement agreement on the terms reported to the Commission by the State.

### III. THE FACTS

15. The petitioners assert that on May 31, 2002, Juan Víctor Galarza Mendiola, a Spanish citizen, residing in Venezuela, was detained in an arbitrary and illegal manner in the car park at his home located in Valencia, Carabobo State, Venezuela, while accompanied by his wife and his two-year-old daughter, both of them Venezuelan. The arrest was carried out by six police officers wearing uniforms which identified them as members of the Directorate of Intelligence and Preemptive Services (DISIP), who surrounded the family at gunpoint. Producing no arrest warrant, and giving no explanation for their actions, they took Mr. Galarza away, informing his wife that he would be taken to DISIP's headquarters in Naguanagua in the same State. They maintain that Mr. Galarza had resided in Venezuela for twelve years, that he was married to a

Venezuelan citizen, that he had recently renewed his visa and that he was totally legal and in compliance with the immigration regulations in force in Venezuela.

16. They point out that, faced with this situation, Mrs. Galarza filed a formal complaint with the Office of the Ombudsperson in Carabobo. They report that afterwards Mrs. Galarza and her attorney went to DISIP headquarters in Naguanagua where they were told that Mr. Galarza was not there but was instead to be found at DISIP headquarters in Caracas. They note that when they went to the headquarters in Caracas they were not allowed to see the detainee until the following day but were told that he was in good health and that he was being held there by order of the General Directorate of Alien Affairs so that his papers could be reviewed.

17. They declare that on June 1, 2002, Mr. Galarza was visited briefly by his wife and a lawyer. This visit took place in the presence of DISIP personnel despite the petitioners' insistence to the relevant authorities that Galarza be allowed a private conversation with his lawyer.

18. According to the petitioners, Mr. Galarza asserted that while detained at the DISIP headquarters he was visited by a member of the Spanish Embassy who threatened him, talking to him "in the Basque language" and telling him that unless they found the six "etarras" [members of the ETA Basque separatist organization] sought by the Spanish authorities, they would take him away (sic).

19. They allege that during the time that he was held in custody in Venezuela, he was interrogated, with Spanish police present. They assert that during the 72 hours that Mr. Galarza was detained at DISIP he was abused, both physically and psychologically: he was kept in a cell with the light on, deprived of rest, sleep, and food, and treated in a repeatedly insulting fashion.

20. The petitioners maintain that on the same day as the detention of Mr. Galarza, the Ombudsperson's Office became aware of the situation and on June 1, 2002, through its lawyers, instituted habeas corpus proceedings in the Sixth Court of First Instance overseeing the Criminal Law Circuit of the Caracas Metropolitan Area. They say that these proceedings were admitted and notified on the same day, namely June 1, 2006. A summary investigation was initiated by Judge Yadira Alfonso Hernández.

21. They maintain that despite the habeas corpus action instituted, on June 2, 2002, Mr. Galarza was put at the disposal of the Directorate of Identification and Alien Affairs of the Department of Immigration and Alien Affairs (DIEX), moved and escorted by Spanish police and DISIP personnel to Maiquetía airport and, against his will, expelled that same night to Spain on an Iberia aircraft. They also assert that by acting in this fashion the State violated Mr. Galarza's guarantees of due process and right to a defense by expelling him before the habeas corpus proceedings instituted in his favor had been resolved. In accordance with information received, the habeas corpus action was declared inadmissible on June 7, 2002 by the Sixth Court of First Instance overseeing the Criminal Law Circuit of Caracas and upheld on June 9, 2002 by the Court of Appeal of the Criminal Law Circuit of the Judicial Region of the Caracas Metropolitan Area by virtue of the fact that there were no further issues to rule on.

22. With respect to the State's assertion that Mr. Galarza was allegedly expelled on May 31—i.e., prior to the filing of the habeas corpus writ in his favor—the petitioners argue that in spite of the fact that the DIEX document ordering deportation was dated May 31, 2002, Mr. Galarza was actually (and arbitrarily) deported on Sunday June 2, 2002.

23. The petitioners question the State's assertion that Mr. Galarza was living illegally in Venezuela, by citing the fact that the body of evidence at the disposal of the Commission (copy of the identity document, resident's card, and Spanish passport) shows that he had been living legally in Venezuela. They consequently maintain that he was not subject to Article 34 of the Law on Aliens. Finally, the petitioners maintain that, quite apart from the legal status of the alleged victim, the Venezuelan State violated the international principle of non-return. They indicate that Mr. Galarza was an individual who had been persecuted politically in Spain as the result of his activities relating to the fight for Basque independence and that his life and right to humane treatment were at risk were he to be deported to Spain, and that Venezuela could have taken international action to resettle him in a different country where he would not be at personal risk. Additionally, they maintain that the State has not produced any document that testifies to the fact that the Spanish government made a formal extradition request or indeed any prior arrest request with the aim of extraditing Mr. Galarza.

24. According to the petitioners, the documents sent by the State make clear that the order calling for Mr. Galarza's immediate departure from Venezuela by the General Directorate of Identification and Alien Affairs was in violation of the law governing aliens. According to the law, the expulsion procedure should be ordered by the President of the Republic, countersigned by the Minister of Foreign Affairs and published in the Official Gazette. The petitioners note that this documentation was not provided by the State at any time.

25. Additionally, they make clear that the Galarza family was not adequately notified of Galarza's expulsion. They highlight the fact that the Galarza family learned that Mr. Galarza had been expelled to Spain from Spanish news reports. The petitioners mention that the illegal expulsion of Mr. Galarza engendered both property damage and pain and suffering inasmuch as he had been the owner of a prosperous business in Venezuela and that the family was a stable one. They also maintain that this situation adversely affected the family which was torn apart by the attendant financial repercussions and the fact that an underage daughter was deprived of the presence of the father, without any legal justification. They maintain that Galarza's deportation meant that he would spend many years in prison under harsh conditions.

26. They point out that, following the events outlined above, the Office of the Ombudsperson filed a petition calling for an investigation of the circumstances of Galarza's expulsion. They point out that the Directorate of Common-law Crimes of the Attorney General's Office started investigations to identify irregularities committed by DIEX or the DISIP in expelling Mr. Galarza. At the time of the presentation of the complaint made to IACHR the petitioners indicate that these inquiries had ground to a halt.

27. With regard to Sebastián Echaniz Alcorta, the petitioners wish to state that on December 16, 2002 he was arrested in an arbitrary and illegal manner at his workplace located in the town of Choroni, Falcón State, Venezuela. They point out that the arrest was made by four officials in

civilian clothes who were identified by several individuals as DISIP members. The petitioners allege that without any arrest warrant, let alone any explanation for their actions, they surrounded Mr. Echaniz at gunpoint, bundled him into a car and drove him to an undisclosed destination.

28. They state that, faced with this situation, his colleagues, spouse, and lawyers made an official complaint to the Office of the Ombudsperson and contacted DISIP in an effort to find out where Mr. Echaniz was being held. They indicate that the latter organization denied that they had arrested him. The petitioners say that they had tried, but failed, to contact the Minister of the Presidential Secretariat, the Ministry of the Interior and Justice and the Inspector General of the Republic in an attempt to ascertain the whereabouts of Mr. Echaniz.

29. Faced with the lack of information regarding the whereabouts of Mr. Echaniz, on December 16, 2002 a habeas corpus writ was filed in Supervisory Court 40 of the Criminal Circuit of the Caracas Metropolitan Area. Pursuant the aforementioned writ, the Court was instructed to act urgently given that it was presumed that Mr. Echaniz would be deported in an illegal and arbitrary manner to Spain. The petitioners wish to state that, despite the urgent nature of the case, the Court did not act and that Sebastián Echaniz was extradited to Spain on December 17. They allege that this was done in violation of due process, the right to judicial protection and the non-return principle. At the same time, they declare that the family of Sebastián Echaniz was not suitably notified about his whereabouts and subsequent expulsion from Venezuela. Mr. Echaniz's family learned of his whereabouts (and the procedure that had been carried out) from the Spanish press. The petitioners indicate that the same modus operandi was used in the case of Mr. Echaniz as had been used in the case of Mr. Galarza six months before.

30. They complain of the lack of information given to relatives and lawyers of Mr. Echaniz despite their repeated efforts to clarify the situation. They regretted that Mr. Sebastián Echaniz was not given an opportunity to consult a lawyer, nor was he given any explanation for his arrest. The petitioners report that they filed a petition for an investigation with the Office of the Attorney General of the Republic to determine the manner in which he had been expelled. They never received any reply to this request.

31. Finally, the petitioners cite that the alleged victims, Mr. Galarza and Mr. Echaniz had their rights violated under the law given that they were denied the most basic guarantees of due process by virtue of being aliens.

32. By virtue of the arguments in the case at hand, the petitioners cite violation of the Right to Humane Treatment (Article 5), Right to Personal Liberty (Article 7), Right to a Fair Trial (Article 8), Right to Privacy (Article 11), Freedom of Movement and Residence (Article 22.6 and 22.8), Rights of the Family (Article 17), Right to Equal Protection (Article 24), and Right to Judicial Protection (Article 25), in accordance with the general obligation referred to in Article 1.1 of the American Convention.

#### IV. FRIENDLY SETTLEMENT

33. The State and the petitioners appended their signatures to the following friendly settlement agreement, the text of which establishes the following:

The Venezuelan State accepts its international liability for the violation of the human rights of citizens Juan Víctor Galarza Mendiola and Sebastián Echaniz Alcorta, by virtue of having proceeded to deport them illegally and deliver them unlawfully to the Spanish State. Accordingly, the State of Venezuela recognizes the violation of the following articles of the American Convention: Right to Humane Treatment (Article 5), Right to Personal Liberty (Article 7), Right to a Fair Trial (Article 8), Right to Privacy (Article 11), Rights of the Family (Article 17), Freedom of Movement and Residence (Article 22.6 and 22.8), Right to Equal Protection (Article 24), and Right to Judicial Protection (Article 25), in accordance with the general obligation to respect and guarantee rights referred to in Article 1.1 of the Convention. It also presupposes a violation of Article 13 of the Inter-American Convention to Prevent and Punish Torture (the person sought shall not be returned when there are grounds to believe that he will be subjected to torture or tried by special or ad hoc courts).

The State of Venezuela recognizes that in the event of an extradition request for a foreigner sought by the justice system of another country, the extradition procedure must be used. In this connection, an unequivocal commitment is given not to employ or have recourse to any method contrary to national or international law that bypasses legal mechanisms or procedures in an effort to secure the return of any foreigner. Based on the foregoing considerations, the State of Venezuela accepts that the procedures for expulsion will not be used in cases of those who have legal cases pending in their countries of origin and that it will try, with due respect for legal guarantees, the extradition requests that are filed in accordance with national laws and international regulations. In this connection, the government will refuse to return individuals to States where they might run the risk of torture, abusive treatment, due process violations, or where they might be persecuted on account of their ideology, race, religious beliefs, or sexual orientation.

In this current case, the State of Venezuela accepts that if Spain had sought the rendition of Víctor Galarza Mendiola and Sebastián Echaniz Alcorta, the right course of action would have been to apply for extradition as established in Article 399 of the Venezuelan Organic Code of Criminal Procedure in accordance with pertinent international regulations currently in force and international agreements protecting human rights ratified by Venezuela.

The State of Venezuela recognizes the presence in the country of Basque citizens, both male and female, who have had political asylum since the 1980s, as a consequence of an Agreement between Spain and Venezuela. It also recognizes that these individuals have been extremely law-abiding for all these years, consistently obeying the Venezuelan Constitution and Venezuelan law.

These Basque citizens, male and female, arrived from France, Algeria, and Panama after negotiations conducted by the various governments. Many of these political exiles complied with all the necessary legal requirements for acquiring Venezuelan nationality, and have full civil rights. With regard to those who while having met all the requirements have nonetheless not applied for Venezuelan nationality, the State of Venezuela undertakes to grant all guarantees so

that they can carry out the pertinent legal procedure, including the Basque citizens: Eugenio Barrutiabengoa, Lorenzo Ayestarán, Jesús Ricardo Urteaga and Miguel Ángel Aldana.

The State of Venezuela accepts that the violation of rights enshrined in the American Convention on Human Rights, in respect of the persons of Víctor Galarza Mendiola and Sebastián Echaniz Alcorta, caused pain and suffering and physical damage to both individuals as well as their immediate families and, on that basis, it undertakes to award compensation for pain and suffering and physical damage.

In the case of Juan Víctor Galarza Mendiola, compensation for pain and suffering will reflect the suffering caused to himself and family members (wife and daughter) as a consequence of his illegal expulsion, the three years he has been deprived of freedom, the economic upheaval and the family instability that has also resulted. At the same time, he should receive compensation for foregone earnings due to the harm done by depriving him of the monthly income he was earning at the time of his arrest and illegal deportation, as well as compensation for the indirect damages attributable to the involuntary relocation to Spain of his wife and daughter and the visits that they have had to make to various Spanish jails in the three years that he has been in prison.

The compensation awarded for pain and suffering to Juan Víctor Galarza Mendiola will be in the amount of 50,000 (fifty thousand) euros, to be paid within no more than 90 days from the signing of this friendly settlement, with one 30-day extension. The sum of 35,000 (thirty-five thousand) euros should be paid to his wife María José Ugalde and the amount of 7,000 (seven thousand) euros should be paid to his daughter, Haizea Galarza. Failure to make payment within this time-frame will mean that the State has to pay interest on arrears.

The amount of compensation for material damage as a result of foregone earnings as well as the indirect damage to Juan Víctor Galarza Mendiola and his family shall be 40,000 (forty thousand) euros, payable within no more than 90 days from the date on which this friendly settlement agreement is signed, with one 30-day extension. Failure to make payment within this time-frame will mean that the State has to pay interest on arrears.

In the case of Sebastián Echaniz Alcorta and his companion, compensation for pain and suffering will reflect the suffering caused to himself and to members of his family on account of the years of deprivation of freedom which he has already endured, and those that he will endure in the future, the torture to which he was subjected, illegal expulsion, the economic upheaval caused as well as the resulting family instability. At the same time, he should receive compensation for foregone earnings caused by the fact that he was deprived of the monthly income he was earning at the time of his arrest and would have earned during the time of his subsequent illegal deportation, as well as compensation for the indirect damages incurred by his companion's involuntary travel to Spain and the visits that she had to make to a number of Spanish prisons in the almost four years that he has spent in prison, in addition to the time that he still has to serve.

The compensation for pain and suffering to be awarded to Sebastián Echaniz Alcorta will be 75,000 (seventy-five thousand) euros, to be paid within a maximum of 90 days from the signing of this friendly settlement agreement, with one 30-day extension. Compensation for pain and suffering for his companion, María Aranzazu Plazaola Echaniz, will be in the amount of 25,000

(twenty-five thousand) euros. Nonpayment within this time-frame will mean that the State will have to pay moratory interest.

The compensation for property damage reflecting the stoppage of business activity for the years spent in prison and for the years of his sentence that remain, as well as the indirect damage to Sebastián Echaniz Alcorta and his companion, will be in the amount of 93,000 (ninety-three thousand) euros, to be paid by no more than 90 days after the signing of the current friendly settlement agreement with one 30-day extension. Nonpayment within this time-frame will mean that the State will be liable for the payment of moratory interest.

Reparations for pain and suffering and physical damage caused to Sebastián Echaniz Alcorta will be delivered to his companion, María Aranzazu Plazaola Echaniz, who shall be the sole person authorized to administer and use the amount awarded on behalf of her companion.

At the same time, the Venezuelan State, in recognizing that María Aranzazu Plazaola Echaniz, is largely dependent on her partner's income, undertakes to guarantee a monthly pension of 750 (seven hundred and fifty euros ), adjusted each year by the CPI (Consumer Price Index) of her place of origin, for as long as her companion is deprived of his freedom. This amount shall be transferred on a monthly basis to a bank account that will be opened for the beneficiary in Spain.

The payment of compensation to all beneficiaries of the current friendly settlement will be tax-exempt (from present or future taxes or other assessments).

The State of Venezuela undertakes to ensure that the transfer of compensation payments to the rest of the world will be made at the official exchange rate in force on the date on which this friendly settlement is signed.

The Venezuelan State commits itself to taking the following steps through the Venezuelan Consulate in Spain to guarantee the physical and mental integrity of Sebastián Echaniz Alcorta:

-- Comply, to the best of its ability, with the appropriate formalities required by relevant Spanish authorities in order to ensure that Sebastián Echaniz Alcorta can serve out the remainder of his prison term in a correctional facility near to his place of origin, as is established by international regulations.

-- Visit Sebastián Echaniz Alcorta at least twice a year in the prison where he is kept, in order to ascertain the conditions in which he is imprisoned, determine the state of his physical and psychological health and follow up on any complaint that he makes with regard to the behavior of prison officers. The appropriate State organization should give the petitioners and families a report about every visit, within thirty days of the visit.

-- It shall defray all expenses for medical attention that the Spanish State does not cover for the entire period that he is deprived of his freedom.

At the same time, the State of Venezuela undertakes to publish this friendly settlement agreement in the Official Gazette of the Bolivarian Republic of Venezuela and in a national circulation newspaper.

## V. DETERMINING COMPATIBILITY AND COMPLIANCE

34. On July 12, 2006, the petitioners confirmed that they had reached a friendly settlement with the State on terms that were reported to the Commission by the State, *ut supra*. In addition, they indicated that they were discussing with the State “the implementation of the settlement, in regard to non-pecuniary matters, inasmuch as we know that administrative procedures are being taken to arrange payment of compensation within the period of time established”.

35. The IACHR wishes to state once again for the record that under Articles 48.1.f and 49 of the Convention, this procedure is aimed at “reaching a friendly settlement of the matter on the basis of respect for the human rights recognized in this Convention”. As a result, it wishes to repeat that the friendly settlement procedure as envisaged in the Convention allows for individual cases to be settled out of court; and it has demonstrated, in cases that relate to a number of countries, that it can offer meaningful solutions that can be used by both parties.

36. The Commission greatly values the efforts that have been made by both parties to reach a solution that is compatible with the Convention’s ultimate objectives. Without any prejudice to the aforementioned considerations, however, the Commission notes that the agreement made by both parties mentions a series of questions that lie beyond its scope and/or were not pertinent to the case before the Commission. In this regard, the Commission wishes to make clear that the current report is in no sense intended to pass judgment on individuals not appearing as victims in the case before the Commission nor regarding the nationality of Juan Víctor Galarza Mendiola and Sebastián Echaniz Alcorta, nor about the treatment that they would have received in third countries outside this Commission’s scope.

37. Based on the foregoing considerations and pursuant to the procedure set forth in Articles 48.1.f and 49 of the American Convention, the Commission wishes to reiterate that it is sincerely grateful for the efforts made by the parties and, in addition, it is gratified that a friendly settlement could be reached in the instant case, as befits the ultimate objectives of the American Convention.

38. In light of the foregoing considerations and findings,

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS,

DECIDES:

1. To approve the terms of the friendly settlement signed by the parties concerned, taking into account the clarification contained in paragraph 36 of the current report.
2. To continue with the follow-up and supervision of each of the items in the friendly agreement.
3. To make public the current report and include it in its annual report to the OAS General Assembly.

Done and signed at the headquarters of the Inter-American Commission on Human Rights in the city of Washington, D.C., on the 21st day of the month of October, 2006. (Signed): Evelio

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Fernández Arévalos, President; Paulo Sérgio Pinheiro, First Vice President; Florentín Meléndez, Second Vice President; Paolo G. Carozza and Víctor E. Abramovich, Commissioners.